

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: October 31, 2003
)	
Michael J. Cobb)	DOCKET NO.: 03F-158
Chair)	
Board of Accountancy)	
7816 Morningside Drive, NW)	
Washington, DC 20012)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Michael J. Cobb, Chair, Board of Accountancy, failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 11, 2003, OCF ordered Michael J. Cobb (hereinafter respondent), to appear at a scheduled hearing on August 22, 2003 and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On August 14, 2003, respondent filed an affidavit with OCF stating the required Financial Disclosure Statement was not filed with OCF by May 15, 2003 because he was out of town on travel. Respondent further stated that OCF's Michael Simpson confirmed receipt of his Financial Disclosure Statement. Mr. Simpson acknowledged a telephone contact with respondent in which he confirmed OCF's receipt of respondent's FDS on July 11, 2003. On August 27, 2003, respondent transmitted, via facsimile, a copy of a fully executed Financial Disclosure Statement dated July 11, 2003.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent timely filed a Financial Disclosure Statement with OCF in 2001.
2. Respondent was a delinquent filer in 2002.
3. Respondent was reappointed to the Board of Accountancy on January 15, 2003.
4. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
5. Respondent filed the required Financial Disclosure Statement on July 11, 2003.
6. Respondent's explanation for the filing delinquency is credible in that his business requires frequent out-of-town travel.
7. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$650.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.

5. Respondent's explanation for failing to timely file mitigates toward the imposition of a reduced fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine of \$250.00 in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that a fine of \$250.00 be hereby imposed in this matter.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

Rose Rice
Legal Assistant

NOTICE

Pursuant to 3 DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.